

Transparent Public Procurement Rating

Moldova Public Procurement Legislation Assessment

The Assessment of the Public Procurement Legislation of Moldova was prepared by Expert-Grup (Moldova).

The Project – [Transparent Public Procurement Rating](#) – is implemented by the Institute for Development of Freedom of Information (IDFI) in Partnership with Transparency International Ukraine (TI-Ukraine), Transparency International Azerbaijan (TI-Azerbaijan), Expert-Grup (Moldova), Freedom of Information Center of Armenia (FOICA) and SYMPA/BIPART (Belarus).



Project is Financially Supported by the Open Society Institute Budapest Foundation (OSI)

The opinions expressed in this document belong to the Institute for Development of Freedom of Information (IDFI) and its partner organizations, and do not reflect the positions of Open Society Institute Budapest Foundation (OSI). Therefore, this organization is not responsible for the content of this report

2018

Introduction

The TPPR Methodology is envisioned to be a universal methodology for assessing public procurement legislations (PPLs) with the ultimate goal of identifying the strengths and weaknesses of legal frameworks and their enforcement around the globe.

Structure and Logic

The Methodology is composed of 64 indicators, each of which holds a similar degree of importance. A number of these indicators are further broken down into scoring components.

The Methodology covers all the major components of any public procurement system, from the nature of the legislation to the complaint review process, with focus on the transparency of public procurement systems.

The selection of indicators for the Methodology was largely based on international best practice, international standards and aspects of other existing methodologies in the sphere of public procurement, such as:

- EBRD Methodology and Standard
- GPA Standard (WTO)
- OECD Methodology and Principles
- EU Standard (**Directive 2014/24/EU**)
- Open Contracting Data Standard (OCDS)

Several indicators have been directly taken from one of the sources listed above as examples of best international practice. All of these indicators have been properly referenced.

During the indicator selection and elaboration process, an effort was made to ensure that the Methodology can be used to assess many different kinds of public procurement systems, but at the same time set high standards.

The indicators are separated into 5 groups (benchmark indicators) that represent the key characteristics (values) of a well-functioning, transparent and accountable public procurement system:

1. **Uniformity of the Legislative Framework** – 14 indicators
2. **Efficiency** – 10 indicators
3. **Transparency** – 18 indicators
4. **Accountability and Integrity** – 7 indicators
5. **Competitiveness and Impartiality** – 10 indicators

The methodology also includes 5 indicators that are used to assess legal components **that are not directly part** of the public procurement legislation but are crucial in terms of creating a transparent environment necessary for a proper functioning of any public procurement system. These indicators are grouped separately under '**Transparency Environment**'.

Indicators are also arranged according to the procurement process:

1. **Pre-tendering Phase** – procurement processes leading up to the publication of a notice of intended procurement.
2. **Tendering Phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner.
3. **Post-tendering Phase** – procurement processes after the selection of a tender winner.

These two arrangements allow for both process and value-based assessments of public procurement legislations.

Limitations

Public procurement systems vary significantly by country. The TPPR Methodology is intended to be applicable on a global scale, meaning that the indicators cannot be too specific and cannot cover all the possible variations and exceptions.

For the same reason, the TPPR Methodology can only be used to assess public procurement legislations on the national level, and it does not include indicators for any industry specific rules.

About the Project

The Methodology has been developed within the framework of the project [Transparent Public Procurement Rating \(TPPR\) – Assessing Public Procurement Legislation and the Enforcement Process in the Eurasian Region](#).

The project was funded by Open Society Institute Budapest Foundation (OSI) and has been implemented by a Georgia-based civil society organization [Institute for Development of Freedom of Information \(IDFI\)](#) together with 5 partner organizations from each country in the Eurasian region covered by the project:

Armenia – [Freedom of Information Center of Armenia](#)

Azerbaijan – [Transparency International \(TI\)](#)

Belarus – [BIPART](#)

Moldova – [Expert-Grup](#)

Ukraine – [Transparency International \(TI\)](#)

In its initial stage, the TPPR project only covers the Eastern Partnership (EaP) Region; however, it plans to scale the methodology up to larger regions in the future.

Scoring System

Each indicator included in the TPPR Methodology is granted equal weight and receives a maximum of 1 point. With a total of 64 indicators, public procurement legislations are rated on the scale of **0 to 64** (converted to percentages for easier understanding and visualization).

Indicators that are further broken down into scoring components are nevertheless worth 1 point. Each scoring component is evaluated separately.

The Methodology uses two ways to distribute points among scoring components of an indicator:

1. **'Scoring method'** is used when scoring components of an indicator overlap (meaning they do not add up as points) or have an unequal distribution of points.
2. **'Point distribution'** is used when each scoring component of an indicator is given an equal share of the overall point granted to that indicator.

This scoring system and the structure of the Methodology allow for the results to be presented in three ways:

1. **Country Overall Results and Rating** – country overall results on the scale of 0-64 are converted into and presented using percentages (0-100%). Countries are then ranked by their overall results.
2. **Results by Benchmark Indicators** – results for benchmark indicators are presented only through percentages, since benchmark indicators include an unequal number of indicators (and, therefore, unequal number of maximum points).
3. **Results by Procurement Process** – results for different phases of the procurement process are presented only through percentages, due to unequal number of indicators included in each phase.

Countries are also ranked and compared by their results for each benchmark indicator.

Visualization

Visualizing the results of the assessment is crucial to the goal of the methodology. For this purpose, the overall points received by each country shall be shown graphically using the scale of 0-100%, divided into 4 quarters of a specific color:

- Low compliance with TPPR Standards – 0% to 25% (red)
- Average compliance with TPPR Standards – 26% to 50% (orange)
- Good compliance with TPPR Standards – 51% to 75% (yellow)
- Excellent compliance with TPPR Standards – 76% to 100% (green)

Visualizations will also include spider graphs depicting country results by benchmark indicators and the procurement process, and multi-colored bar graphs for comparing country results in these categories.

Terminology

This methodology uses universally accepted procurement terminology as well as a few terms of its own design, in order to make key distinctions easier.

Acceptance act – A document signed by parties through which they agree on the terms by which a bargain is concluded.

Bid – Price offered by a tender participant during the bidding procedure.

Bid Security – A refundable amount of money paid by tender candidates validating their participation in a tender.

Coordination – Providing assistance to economic operators and procuring entities to engage in procuring activities.

Day – In the context of this methodology a day implies a calendar day.

Economic Operator – business or other organization which supplies goods, works or services.

Legal entity of public law (LEPL) (Public Legal Entity) – Organization created by the government or a government body, but separated from state management, and performing public authority independent of state control.

Machine-readable – A data format that can be processed (i.e. extract, read, transform) by a computer.

Monitoring – Data collection and analysis.

State non-commercial legal entity – A body governed by public law, having legal personality, not having an industrial or commercial character, and funded or managed, for the most part, by state entities.

Non-competitive procedure (direct procurement) – A type of public procurement procedure that does not involve prior publication of a notice of intended procurement.

Notice of intended procurement – A call for participation in an open tender issued by procuring entities.

Open tender – A type of tender, in which any economic operator can request participation.

Post-tendering phase – procurement processes after the selection of a tender winner.

Pre-tendering phase – procurement processes leading up to the publication of a notice of intended procurement.

Procurement regulatory body – a state body responsible for managing the public procurement system without necessarily incorporating lawmaking and law enforcement functions.

Procuring entity – A state budget and local government entity (including their respective LEPLs, state owned companies and non-commercial legal entities).

Public procurement annual plan – A document issued by procuring entities that contains information about all procurements planned within a fiscal year.

Tender – A type of public procurement procedure that involves bidding.

Tender application – An economic operator’s official request to participate in a tender that includes all the documents requested by the procuring entity.

Tender candidate – An economic operator willing to participate in a tender.

Tender commission – A group of persons within a procuring entity responsible for conducting procurement (this function can also be performed by a single person).

Tender documentation – A collection of documents containing full information about the procurement, such as its subject-matter, technical requirements/specification, eligibility and evaluation criteria, draft contract conditions etc.

Tender participant – An economic operator that has been allowed to participate in a tender.

Tendering phase – procurement processes between publication of a notice of intended procurement and selection of a tender winner.

TPPR Methodology Indicators

Transparency Environment			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Business registry is publicly available. – [1 point]	1	Art. 34 ¹ of Law nr. 220 from 19.10.2007 on state registration of juridical persons and of individual entrepreneurs (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=326009). The State registry is available on http://webinfo.cis.gov.md/company-search .
2.	Budgets of all public procuring entities are publicly available. – [1 point]	1	Art. 25 of Law nr. 181 from 25.07.2014 on public finances and budgetary responsibility (http://lex.justice.md/md/354213/)
3.	Public officials are required by law to file asset declarations. – [1 point]	1	Law nr. 1264 from 19.07.2002

			on declaration and control of the income and ownership by the state dignitaries, judges, prosecutors, public functionaries and certain persons vested with managerial functions (http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312751&lang=1).
4.	The country has adopted legal provisions ensuring the right to request public information. – [1 point]	1	Law nr. 982 from 11.05.200 on access to information (http://lex.justice.md/md/311759/).
5.	Legislation includes provisions regulating whistleblower protection. – [1 point]	1	Government Decision nr. 707 from 09.09.2013 approving the Framework Regulation on whistleblowers (http://lex.justice.md/viewdoc.php?action=view&view=doc&id=349584&lang=1).

Indicators by Procurement Process

General Characteristics of the Procurement System			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Public Procurement Legislation (PPL), which may include primary and secondary legislation, lays out the basic principles and general framework of the procurement process, makes it operational and indicates how the law must be applied to specific circumstances. – [1 point] <i>Uniformity of the Legislative Framework</i>	1	Law nr. 131 from 03.07.2015 on public procurement (http://lex.justice.md/md/360122/). There are 24 sub-legal acts (https://tender.gov.md/ro/content/hot%C4%83r%C3%A2ri-de-guvern).
2.	PPL (including primary and secondary legislation) is available in a single and accessible place. – [1 point] Scoring Method	1	PPL is available on the official website of the PPA (https://tender.gov.md/ro/content/hot%C4%83r%C3%A2ri-de-guvern) and in the online version of State Registry of juridical acts

	<ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>		<p>of the Republic of Moldova (http://lex.justice.md/).</p> <p>All documents are in electronic form, machine-readable and free of charge.</p>
3.	<p>PPL applies to all state budget and local government entities (including their respective Legal Entities of Public Law (LEPLs), state owned companies and non-commercial legal entities) and all exempted entities are clearly indicated. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) All state budget entities – [0.2] b) Local government entities – [0.2] c) Legal Entities of Public Law (LEPL) – [0.2] d) State owned companies – [0.2] e) State non-commercial legal entities – [0.2] <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0.8</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.2 b) 0.2 c) 0.2 d) 0 e) 0.2 	<p>The areas covered by the PPL are stipulated in art. 2. Mainly, the status of contracting authority have the public authorities (central and local ones), and the LEPL (art. 12). The definition of LEPL in art. 12, includes also the state non-commercial legal entities (http://lex.justice.md/md/360122/).</p> <p>The SOE are not covered by the PPL.</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
4.	<p>The scope of coverage of PPL includes all sectors of the economy where competition is possible and exemptions are clearly listed in the PPL. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [0.5] b) PPL clearly lists or refers to all exemptions. – [0.5] <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0.5</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0.5 	<p>There is a clear list of exemptions by sectors (art. 4). Some sectors included in the exemption list can be deemed as the ones where the competition is possible and welcomed (transportation, research).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
5.	<p>PPL determines a separate public body (procurement regulatory body) responsible for managing public procurement or assigns this function to a subordinate state body (ies) (e.g. Ministry department). – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • PPL determines a separate public body responsible for managing public procurement which is authorized to have income in addition to state funding. – [1] 	<p style="text-align: center;">1</p>	<p>The PPL stipulates a separate Public Procurement Agency (PPA) with budget financing, including its own revenues. Art. 8 and art. 11 of the PPL (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>

	<ul style="list-style-type: none"> • PPL determines a separate public body responsible for managing public procurement. – [0.75] • PPL assigns this function to a subordinated state body (ies). – [0.5] • There is no procurement regulatory body. – [0] <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>		
6.	<p>PPL stipulates that the procurement regulatory body is responsible for at least coordination and monitoring (i.e. data collection and analysis as opposed to regulation and control) of public procurement activities. – [1 point]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>The PPA is responsible for coordination and monitoring of public procurement activities. Art. 9 of PPL (http://lex.justice.md/md/360122/). Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
7.	<p>Legislation provides for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Legislation provides for a mechanism of consultation with the private sector. – [0.25] b) Legislation provides for a mechanism of consultation with the civil society sector. – [0.25] c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [0.5] <p style="text-align: center;"><i>Accountability and Integrity</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.25 b) 0.25 c) 0.5 	<p>The mechanism of consultation with the private and civil society sectors is provided in Law nr. 239 from 13.11.2008 on transparency in the decision-making process (http://lex.justice.md/md/329849/).</p> <p>There is no express stipulation in the PPL of consultation mechanism, and of the obligation for procurement regulatory body to use this mechanism. But, the PPA is obliged and uses the consultation mechanism in accordance with the Law on transparency in the decision-making process.</p>
8.	<p>PPL stipulates that electronic means is the primary method of conducting public procurement and of communication between procuring entities and tender participants. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [0.5] b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [0.5] 	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.5 b) 0.5 	<p>The PPL implicitly stipulates that public procurement is conducted exclusively through electronic means. In art. 32¹, which was introduced in PPL by Law no. 169 of 26.07.2018, is stipulated that tender documentation should be available free-of-charge in electronic format.</p> <p>Communication is obligatory to be performed only through electronic means. Art.30 of</p>

		<i>Efficiency</i>	PPL, which stipulates the means of communication, was modified by Law no. 169 of 26.07.2018 (http://lex.justice.md/md/360122/). Law available in English (https://tender.gov.md/en/content/law-public-procurement).
9.	PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [1 point]	<i>Efficiency</i>	There is stipulated a single official point of access in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).
10.	Legislation requires that software used for electronic procurement and related communication shall be non-discriminatory, free to use and interoperable with the ICT products in general use and shall not restrict economic operators’ access to the procurement procedure. – [1 point]	<i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i>	The PPL stipulates that electronic means of communication and related to procurement process should not be discriminatory. Art. 32 of PPL (http://lex.justice.md/md/360122/). Law available in English (https://tender.gov.md/en/content/law-public-procurement).
11.	PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [1 point] Point Distribution a) PPL should not allow domestic preferences. – [1/5] b) Participation of any candidate or group of candidates is based on qualification. – [1/5] c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [1/5] d) State owned companies are not given any preference. – [1/5] e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [1/5]	<i>Competitiveness and Impartiality</i>	Overall: 1 Components: a) 0.2 b) 0.2 c) 0.2 d) 0.2 e) 0.2 The non-discrimination between the residents and non-residents is stipulated in art. 15 of PPL. The obligation for procuring authority to establish the qualification criteria and their description is stipulated in art. 16, 17 and 18 of the PPL. The registration of the supplier is required in the Procurement Electronic System (MTender), in order to participate in tenders, but there are no discriminatory requirements (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).

	Source: GPA Standard		<p>There are no preferences for SOE.</p> <p>There are no discriminatory provisions concerning the time-periods for all interested or participating candidates. Art. 28 of PPL (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
12.	<p>PPL stipulates that a procuring entity shall, consistent with its own reasonable needs, provide sufficient time (based on the GPA standard - Article XI) for candidates to prepare and submit tender application. – [1 point]</p> <p style="text-align: center;"><i>Competitiveness and Impartiality</i></p>	0	<p>In PPL is stipulated that procuring entities should publish their notices of intended procurement in time-periods that would encourage all interested participants to apply. Art. 28 and 36 of PPL (http://lex.justice.md/md/360122/).</p> <p>The PPL stipulates more restrictive time-periods for submission than in the case GPA.</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [1 point]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>The PPL stipulates that in each procuring entity a special working group is responsible for public procurement. Art. 13 and 14 (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
14.	<p>PPL references sanctions for violations of the PPL. – [1 point]</p>	1	<p>There are reference sanctions for violations of the law, including PPL. Art. 18, 25, 40, 67 of PPL (http://lex.justice.md/md/360122/). Also, the sanctions are stipulated in the Regulation regarding the activity of tender commission - art. 42 and 43 (http://lex.justice.md/index.ph).</p>

			<p>p?action=view&view=doc&lang=1&id=365130).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
	<i>Accountability and Integrity</i>		
15.	<p>Legislation explicitly defines fraud and corruption / abuse of public office and spells out the individual responsibilities and consequences for government employees and private firms or individuals found guilty of fraud or corruption. – [1 point]</p> <p style="text-align: center;"><i>Accountability and Integrity</i> Source: OECD Methodology</p>	1	<p>All mentioned aspects defined in Law nr. 90 from 25.04.2008 on preventing and combating corruption (http://lex.justice.md/md/328131/).</p>
16.	<p>PPL ensures the right to review (complaints), for all interested parties, including general public, tender participants and potential suppliers. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • PPL ensures the right to review, for general public, tender participants and potential suppliers. – [1] • PPL ensures the right to review, for tender participants and potential suppliers. – [0.75] • PPL ensures the right to review, for tender participants. – [0.25] • No one has the right to review. – [0] <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	0.75	<p>According to art. 76 of PPL, the right to contest the tender has any person, which has or had interest in obtaining a public procurement contract. By interpreting this formulation it can be deduced that general public can not complain (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
17.	<p>PPL ensures the right to review throughout the procurement process. – [1 point]</p> <p>Point Distribution</p> <ol style="list-style-type: none"> a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [1/3] b) A procurement contract cannot be awarded with a pending complaint. – [1/3] c) A reasonable amount of time should be left between publication of the contract award decision and the signing of the contract, in order to give any stakeholder the opportunity to challenge the award decision. – [1/3] <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>Component a) is reflected in art. 76 of PPL. Component b) in art. 79, point (11) of PPL. Component c) in art. 31 of PPL (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>

18.	<p>PPL ensures the existence of an independent (from parties involved in a procurement dispute) review body with the authority to review complaints and grant remedies. – [1 point]</p> <p>Point Distribution</p> <p>a) PPL ensures the existence of an independent review body. – [0.7]</p> <p>b) The review body includes civil society members. – [0.3]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0.7</p> <p>Components:</p> <p>a) 0.7</p> <p>b) 0</p>	<p>Component a) reflected in art. 75 of PPL (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
19.	<p>PPL ensures electronic, machine-readable and free of charge access to submitted complaints, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	<p style="text-align: center;">1</p>	<p>The provisions that stipulates that complaints are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
20.	<p>PPL ensures electronic, machine-readable and free of charge access to dispute resolutions (of the independent review body), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	<p style="text-align: center;">1</p>	<p>The provisions that stipulates that dispute resolutions are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
Pre-tendering Phase			

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL obligates procuring entities to publish as early as possible in each fiscal year a notice regarding their future procurement plans - "public procurement annual plan". The annual plan must include at least: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [0.25] b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [0.25] c) Estimated value of procurements. – [0.25] d) Source of funding. – [0.25] <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall: 0.75</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.25 b) 0.25 c) 0.25 d) 0 	<p>All rating components are stipulated in the Regulation regarding the planning manner of public procurements approved by Government Decision nr. 1419 from 28.12.2016 (http://lex.justice.md/md/368203/).</p>
2.	<p>PPL ensures electronic, machine-readable and free of charge access to public procurement annual plans of all procuring entities or key information included in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	<p style="text-align: center;">1</p>	<p>According to specifications in the Regulation regarding the planning manner of public procurements approved by Government Decision nr. 1419 from 28.12.2016 the plans are published on the web-set of procuring entity. So, they are free of charge, but is not specified that they should be in machine-readable format (http://lex.justice.md/md/368203/).</p> <p>The specifications that annual plans are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System "State registry of the public procurement" (MTender) adopted by Government Decision nr. 705 from 11.07.2018 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved</p>

			yet.
3.	<p>Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget formulation process in a fiscal year. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: OECD Methodology</p>	1	<p>Procurement plans are embedded and coordinated with the budgets of procuring entities (http://lex.justice.md/md/368203/).</p>
4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified. – [1 point]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	0	<p>There is no clear-cut statement in the PPL that financial resources should be identified before launching the procurement process. Still, there are two sub-legal acts that contain such specifications – Regulation on public procurements of works (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=365133) and Regulation on small value procurements (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=365128).</p>
5.	<p>PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – [1 point]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>The composition, powers, responsibilities and decision-making procedures of the working group are defined in art. 14 of PPL (http://lex.justice.md/md/360122/) and in Regulation regarding the activity of working group for procurements, approved by GD nr. 667 from 27.05.2016 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=365130).</p>
6.	<p>Minimum monetary thresholds exist for different types of procurement. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p>The thresholds are stipulated in art. 2 of PPL (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>

7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL. – [1 point]</p> <p>Point Distribution</p> <p>a) Open tender is the default procedure for any public procurement. – [0.5]</p> <p>b) All exceptions are clearly listed by the PPL. – [0.5]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Art. 44 of PPL stipulates that tender is the default procedure (http://lex.justice.md/md/360122/). Exceptions are stipulated in the art. 52-60 of the same PPL.</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [1 point]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	<p style="text-align: center;">1</p>	<p>In the Annex 3 of PPL is stipulated that in the notice of intended procurement the procuring entity should publish the justification, if it is the case (http://lex.justice.md/md/360122/). Also, the justification should be included in the Evaluation Report, which is publically available –art. 73 (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
9.	<p>PPL stipulates that provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against foreign suppliers or protects domestic suppliers, a procuring entity may use non-competitive procedure (direct procurement) when: – [1 point]</p> <p>a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist.</p> <p>b) For additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; or would cause significant inconvenience or substantial duplication of costs for the procuring entity.</p> <p>c) Insofar as is strictly necessary where, for reasons of extreme</p>	<p style="text-align: center;">0.5</p>	<p>In the case of negotiations without prior publication of the notice there are some provisions that offer larger leeway for procuring entities to use this procedure than those stipulated here. So, e.g. according to the art. 54 the procuring entity can purchase goods with mentioned procedure if those goods are traded at mercantile exchange (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>

	<p>urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering.</p> <p>d) Where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development.</p> <p>e) For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for routine purchases from regular suppliers. – [1]</p> <p>Scoring Method</p> <p>In case of any additional exceptions – [0.5]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i> Source: GPA Standard</p>		
--	---	--	--

Tendering Phase

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [1 point]</p> <p>Point Distribution</p> <p>a) Name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any. – [1/8]</p> <p>b) A description of the procurement, including the nature and the quantity of the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity. – [1/8]</p> <p>c) CPV codes (or other classificatory system of a similar nature). – [1/8]</p> <p>d) Estimated value of the goods or services to be procured. – [1/8]</p> <p>e) The time-frame for delivery of goods or services or the duration</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/8</p> <p>b) 1/8</p> <p>c) 1/8</p> <p>d) 1/8</p> <p>e) 1/8</p> <p>f) 1/8</p> <p>g) 1/8</p>	<p>In the Annex nr. 3 to the PPL are included all of the mentioned provisions (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p> <p>These provisions are included also in template of tender documentation approved by the order of Ministry of Finance for works (http://lex.justice.md/md/377590/) and goods (http://lex.justice.md/md/377587/).</p>

	<p>of the contract. – [1/8]</p> <p>f) The procurement method that will be used. – [1/8]</p> <p>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [1/8]</p> <p>h) A list and brief description of any conditions (eligibility criteria) for participation of candidates, including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [1/8]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>	h) 1/8	
2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [1 point]</p> <p>Point Distribution</p> <p>a) Payment conditions – [0.2]</p> <p>b) Information about bid security (if required) – [0.2]</p> <p>c) Source of funding – [0.2]</p> <p>d) Payment information for multi-year contracts – [0.2]</p> <p>e) Draft of contract – [0.2]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0.2</p> <p>d) 0.2</p> <p>e) 0.2</p>	<p>Structure of the notice/tender documentation is presented in the Annex nr. 3 to the PPL (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p> <p>These provisions are included also in template of tender documentation approved by the order of Ministry of Finance for works (http://lex.justice.md/md/377590/) and goods (http://lex.justice.md/md/377587/).</p>
3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [1 point]</p> <p>Point Distribution</p> <p>a) Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities. – [1/3]</p> <p>b) Financial position. – [1/3]</p> <p>c) Grounds of restriction for participation. – [1/3]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: EBRD Methodology</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>Structure of the notice is presented in the Annex nr. 3 to the PPL (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p> <p>These provisions are included also in template of tender documentation approved by the order of Ministry of Finance for works (http://lex.justice.md/md/377590/) and goods (http://lex.justice.md/md/377587/).</p>

			87/ .
4.	<p>PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement (drafting of tender documentation) from independent experts or market participants. In such cases, these experts or market participants may not take part or benefit from tenders they helped plan unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [0.5]</p> <p>b) PPL prohibits these experts or market participants from taking part or benefiting from tenders they helped plan, unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [0.5]</p> <p style="text-align: right;"><i>Efficiency</i> Source: EU Standard</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>The possibility for procuring entities to attract independent experts to tender commission is stipulated in art. 13 of PPL (http://lex.justice.md/md/360122/).</p> <p>The external experts as members of tender commission are obliged to sign, on own responsibility, a confidentiality and impartiality declaration. In this declaration described the conditions for infringement of conflict of interest (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=365130).</p> <p>Also, in the art. 74 of PPL is stipulated that natural or legal persons that participated in elaboration of tender documentation cannot participate in the tender, unless they demonstrate the lack of conflict of interest (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
5.	<p>PPL ensures electronic, machine-readable and free of charge access to notices of intended procurement (including tender documentation), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	<p>1</p>	<p>In PPL is stipulated that all notices of intended procurement should be published in the Public Procurement Bulletin – art. 28 of the Law (http://lex.justice.md/md/360122/).</p> <p>The specifications that notices of intended procurement (including tender documentation) are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from</p>

			<p>11.07.2018 http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>The specifications that tender documentation amendments are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018 http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
7.	<p>PPL ensures electronic, machine-readable and free of charge access to tender candidate applications (all documents needed for the request to participate in a tender), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>The specifications that tender candidate applications are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018 http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
8.	<p>PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] 		<p>The specifications that bids are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government</p>

	<ul style="list-style-type: none"> • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Decision nr. 705 from 11.07.2018 http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
9.	<p>PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>The specifications that decisions of the tender commission are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018 http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
10.	<p>Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterizes the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favoring or eliminating certain undertakings or certain products. – [1 point]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: EU Standard</p>	1	<p>The rules concerning the description of procuring goods, service and works should not contain some given restrictions such as trademarks, etc. – art. 37 http://lex.justice.md/md/360122/).</p> <p>Law available in English https://tender.gov.md/en/content/law-public-procurement).</p>
11.	<p>PPL stipulates that procuring entities may require tender candidates to confirm the validity of their bid with a bid security that is refunded once the procedure is completed. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p>In the PPL is stipulated that procuring entities may request bid security – art. 64 http://lex.justice.md/md/360122/).</p> <p>Law available in English https://tender.gov.md/en/content/law-public-procurement).</p>

12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [1 point]</p> <p>Point Distribution</p> <p>a) The concept of conflicts of interest covers at least any situation where staff members of the procuring entity or of a procurement service provider acting on behalf of the procuring entity who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure, have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. – [1/3]</p> <p>b) PPL stipulates that persons responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants. – [1/3]</p> <p>c) The legislative framework prohibits the participation of active public officials and former public officials for a reasonable period of time after leaving office in public procurement procedures in ways that benefit them, their relatives, and business or political associates financially or otherwise. – [1/3]</p> <p style="text-align: right;"><i>Accountability and Integrity</i> Source for a): EU Standard Source for b): OECD Methodology</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>The concepts of conflict of interest and situation, which it covers, are stipulated in the Law nr. 16 from 15.02.2008 on conflict of interest (http://lex.justice.md/md/%20327989/).</p> <p>The members of the tender commission are obliged to sign a declaration and declare a conflict of interest – art. 74 of PPL (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p> <p>Restrictions for former officials to represent and defend the interest of other natural or legal persons after leaving the institution are specified in art. 19-22 of Law on conflict of interests (http://lex.justice.md/md/%20327989/).</p>
13.	<p>PPL stipulates that award decisions must be made solely on the basis of evaluation criteria that have been precisely specified in advance in the tender documentation. – [1 point]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p style="text-align: center;">1</p>	<p>The PPL stipulates that award decisions are made solely on evaluation criteria stipulated in tender documentation – art. 65 of PPL (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
14.	<p>PPL stipulates that upon modification of any criteria and requirements set out in tender documentation prior to the completion of tender application submission period, a procuring entity shall transmit in writing all such modifications: – [1 point]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p>	<p>The provisions for procuring entities to transmit a in writing modifications to tender documentation and to extend the application period are mentioned in art. 39 and 61 of PPL (http://lex.justice.md/md/360122/).</p>

	<p>Point Distribution</p> <p>a) To all tender candidates; and – [0.5]</p> <p>b) Give additional adequate time (either by extending or restarting the time) to allow such candidates to modify and re-submit amended tender application. – [0.5]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	b) 0.5	<p>122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
15.	<p>PPL stipulates that procuring entities shall inform each tender participant of the decision reached about the winner of the tender, including failure to do so, as soon as it is made, but no later than the end of the following working day. – [1 point]</p> <p style="text-align: right;"><i>Transparency</i></p>	1	<p>The provision to inform all participants in the tender about the result is stipulated in art. 30 of PPL (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
16.	<p>PPL ensures that on request from the tender participant the procuring entity shall as quickly as possible inform: – [1 point]</p> <p>Point Distribution</p> <p>a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [0.5] ***</p> <p>b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – [0.5]</p> <p>*** If a) is not applicable, b) equals [1 point].</p> <p style="text-align: right;"><i>Transparency</i> Source: EU Standard</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>The procuring entity is obliged to inform the participants on the motives of their rejection or failure to win the contract – art. 30 of the PPL. Also, according to art. 73 the evaluation report is a public document, which should comprise the motives of disqualification, etc. (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p> <p>Despite the fact that in PPL is not mentioned explicitly the right of participants to request information on the motives of disqualification, etc. it was attributed full 1 point, since the contracting entities are obliged to send detailed and motivated information to all disqualified or failed companies.</p>
17.	<p>PPL stipulates that in cases when evaluation criteria include both price and quality, the winner shall be chosen using a cost-effectiveness</p>	Overall: 1	<p>All mentioned approaches to evaluation criteria are stipulated in art. 26 and art.</p>

	<p>approach, such as: – [1 point]</p> <p>Point Distribution</p> <p>a) Life-cycle cost – [1/3]</p> <p>b) Best price-quality ratio – [1/3]</p> <p>c) Environmental and/or social costs – [1/3]</p> <p style="text-align: right;"><i>Efficiency</i> Source: EU Standard</p>	<p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>26¹ (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>
--	--	---	---

Post-tendering Phase

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that upon successful conclusion of tender (upon choosing and announcing of the winner) the following information must be made public as soon as it is available: – [1 point]</p> <p>Point Distribution</p> <p>a) Name, type, identification number, address, telephone, fax number (where applicable), email and internet address of the procuring entity and, where different, of the service from which additional information may be obtained. – [0.1]</p> <p>b) Subject of procurement. – [0.1]</p> <p>c) CPV codes (or other classificatory system of similar nature). – [0.1]</p> <p>d) Description of the procurement: nature, extent, quantity or value of goods, works and services. Where the contract is divided into lots, this information shall be provided for each lot. – [0.1]</p> <p>e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [0.1]</p> <p>f) Date of the signing of contract(s) or of framework agreement(s). – [0.1]</p> <p>g) Duration of the contract. – [0.1]</p> <p>h) Number of bids and their respective amounts received. – [0.1]</p> <p>i) Name, address, telephone, fax number (where applicable), email address and internet address of the successful tender participant(s) including: information whether the contract was awarded to a group of economic operators (joint venture,</p>	<p>Overall: 0.9</p> <p>Components:</p> <p>a) 0.1</p> <p>b) 0.1</p> <p>c) 0.1</p> <p>d) 0.1</p> <p>e) 0.1</p> <p>f) 0.1</p> <p>g) 0</p> <p>h) 0.1</p> <p>i) 0.1</p> <p>j) 0.1</p>	<p>The notice of award should be published according to art. 29 of PPL and all details that should be included in this notice are specified in Annex nr. 3 (http://lex.justice.md/md/360122/).</p> <p>Law available in English (https://tender.gov.md/en/content/law-public-procurement).</p>

	<p>consortium or other) (where applicable). – [0.1]</p> <p>j) Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number (where applicable) and email address of the service from which this information may be obtained. – [0.1]</p> <p style="text-align: right;"><i>Transparency</i> Source: EU Standard</p>		
2.	<p>PPL stipulates that the information on subcontractors must be made public upon successful conclusion of tender (upon choosing and announcing of the winner). – [1 point]</p> <p>Point Distribution</p> <p>a) Procurement contracts include information on what proportion of the contract can be subcontracted to third parties. – [0.5]</p> <p>b) Information on subcontractor/s (if any): name, address, ID, contact information, is made public as soon as this information is available. – [0.5]</p> <p style="text-align: right;"><i>Transparency</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>In the art. 71 of PPL is stipulated the fact that contracting authorities should request and include in the contract information on subcontractors, but there is no explicit requirement to publish this information as soon as possible (http://lex.justice.md/md/360122/).</p> <p>Implicitly, the requirement to publish all information on subcontractors is fulfilled by the fact that procurement contracts are published in MTender.</p>
3.	<p>PPL ensures electronic, machine-readable and free of charge access to procurement contracts, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>The specifications that procurement contracts are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System "State registry of the public procurement" (MTender) adopted by Government Decision nr. 705 from 11.07.2018 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
4.	<p>PPL ensures electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in</p>		<p>The specifications that contract amendments are electronic, machine-readable and free of charge are contained in the Technical concept of the</p>

	<p>these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
5.	<p>PPL ensures electronic, machine-readable and free of charge access to contract performance information (e.g. acceptance act and milestone reports), either the full text or key information included in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>The specifications that contract performance information are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>The specifications that payment receipts information are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
7.	<p>PPL clearly defines the procedures for inspection and quality control</p>	Overall: 1	<p>In the draft contract attached to the Regulation on approving standard documentation for</p>

	<p>procedures: – [1 point]</p> <p>Point Distribution</p> <p>a) Quality control (QC) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [0.5]</p> <p>b) Inspection of civil works is carried out by independent engineering firms or qualified government supervisors and inspectors. – [0.5]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: OECD Methodology</p>	<p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>public procurement of works is stipulated that representatives of the beneficiary have the right to inspect and oversight the works – p. 7.16 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=337015). Also, the beneficiary can order the disposal of detected non-qualitative products (7.24).</p> <p>In case of goods and services the quality is assured by specific certificates – p.1.3 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=345068).</p> <p>Inspection of civil works is carried out by State Construction Inspectorate. Its attributions, mode and types of controls, etc. are stipulated in GD nr. 360 from 25.06.1996 on state control of construction quality (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=296192).</p>
8.	<p>PPL ensures electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	<p style="text-align: center;">1</p>	<p>The specifications that quality control reports are electronic, machine-readable and free of charge are contained in the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018 (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376903).</p> <p>The sub-legal act that specifies the access to information in the MTender is not approved yet.</p>
9.	<p>Procedures for acceptance of final products and processing of final payments are clearly defined by the PPL or contract law and are incorporated as standard clauses in contracts. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: OECD Methodology</p>	<p style="text-align: center;">1</p>	<p>Procedures for acceptance of final products and processing of final payments are defined in the annexes to the Regulation on approving standard documentation for public procurement of works and Regulation for goods and</p>

			service.
10.	<p>PPL defines specific procedures for modifying contracts. – [1 point]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	1	There are procedures for modifying contracts mentioned in draft contracts attached to the Regulation on procuring works, and in Regulation for goods and services.
11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [1 point]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	1	There are dispute resolution procedures in draft contracts attached to the Regulation on procuring works, and in Regulation for goods and services.
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • In electronic form for a period of at least 10 years. – [1] • In paper form for a period of at least 3 years. – [0.5] <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>The Regulation on compiling and maintenance of public procurement dossier (file) stipulates the maintenance of dossier for 5 years, and only in paper format http://lex.justice.md/viewdoc.php?action=view&view=doc&id=326694&lang=1).</p> <p>In the Technical concept of the Information Automated System “State registry of the public procurement” (MTender) adopted by Government Decision nr. 705 from 11.07.2018, is mentioned that this system will function as an archive. However, the Regulation on compiling and maintenance of public procurement dossier (file) was not adjusted to the MTender Regulation yet.</p>
13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [0.5]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>In Law nr. 229 from 23.09.2010 on public internal financial control is stipulated the framework of internal audit in public entities, including those activities linked to public procurements http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=336794).</p>

	<p>b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [0.5]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>		<p>The Court of Accounts is responsible for external audit of all public funds, including those destined to public procurements (http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=330168).</p>
--	--	--	--